

REMARKS

Claims 1, 2, 4-11, 13-15, 17, 19-25 and 40-42 are now pending in the application.

Claims 3 and 18 have been cancelled while claims 41 and 42 have been added to the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-4, 7-11, 14, 15, 17-19, 21, 22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey (U.S. Pat. No. 3,033,582) in view of Udagawa (U.S. Pat. No. 6,186,513). This rejection is respectfully traversed.

Claims 17 and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jackson (U.S. Pat. No. 2,513,178) in view of Udagawa (U.S. Pat. No. 6,186,513). This rejection is respectfully traversed.

Claims 5, 6, 13 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey in view of Udagawa, as applied to claims 1, 10 and 17 above, and further in view of Combet et al (U.S. Pat. No. 6,390,479). This rejection is respectfully traversed.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Creavey in view of Udagawa, as applied to claim 17 above, and further in view of Lucas et al (U.S. Pat. No. 4,635,949). This rejection is respectfully traversed.

At the outset, Applicants note that claims 1, 10, and 17 now recite a cavity formed between stopper members having the seal member located therein and that the cavity has a volume that is greater than the volume of the seal member. This feature was previously presented in claim 3. The rejection of claim 3 merely recites that

Creavey discloses that “the volume of the cavity is greater than the volume of the elastomeric seal member.” Claims 1 and 10 additionally now recite that the first and second stopper members have a height above the portion of the top surface from which the apex of the sealing member extends. Creavey fails to disclose or render obvious this combination. Applicants further note that Jackson does not disclose that the volume of the cavity is greater than the volume of the elastomeric seal member, as claimed in claim 17. As such, claims 1, 10, and 17 appear to be in condition for allowance.

Applicants additionally note that as indicated in the Amendment submitted on August 28, 2007, claims 1, 10, and 17 each include “a generally flat carrier having a generally planar top surface.” In response to Applicants’ argument that none of the references disclose a generally flat carrier having a generally planar top surface, the Examiner asserts that Creavey discloses a “generally flat carrier” and a “generally planar top surface” when the broadest interpretation is provided to the term “generally.” However, while “generally” allows some variation from a “flat carrier” having a “planar top surface,” “generally” does not permit a complete departure from the claimed structure.

The Examiner indicates that Creavey discloses a generally flat carrier member (11) having a generally planar top surface that includes portion (13). However, in Fig. 2, Creavey discloses portion (13) as a triangular protrusion that extends above the height of a stopper member (16). Applicants submit that one of ordinary skill in the art would not interpret a “generally planar top surface” to include the top surface disclosed in Creavey with a triangular protrusion that extends above the height of a stopper member.

Therefore, an interpretation of triangular protrusion (13) as forming a generally planar top surface is inappropriate and would be a complete departure from the claimed structure.

Applicants note that claims 1, 10, and 17 each also include a stopper member “formed independently from the carrier member.” The Examiner cites Creavey as teaching a first and second stopper members formed integrally with a carrier member and Udagawa as teaching the equivalency of a stopper member that can be integrally made with a carrier member and a stopper member that can be formed independently from a carrier member. However, Udagawa discloses a single stopper member (E12) formed integrally with a metal plate (E10) and a soft upper metal plate (F10), which includes a single stopper member (F12), formed independently from the hard base metal plate (F15). (Fig. 6 and Fig. 7). In either arrangement, Udagawa teaches a top surface of a gasket having a stopper member (E12, F12) integrally formed therewith. The top surface includes the bead (E13, F13). Therefore, there can be no cavity formed by the stop members and the carrier that the seal member is disposed in. The Examiner appears to be merely picking and choosing individual portions of Udagawa and ignoring striking differences between the Udagawa and the claims.

Therefore, for these reasons in addition to those set forth above, Applicants respectfully submit that claims 1, 10, and 17 are in condition for allowance. Claims 2, 4-9, 11, 13-15, 19-25 and 40 depend from claims 1, 10, and 17, and should be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejections of claims 1, 2, 4-11, 13-15, 17, 19-25 and 40 are respectfully requested.

NEW CLAIMS

Claims 41 and 42 have been added as new. Claim 41 depends from claim 1 and claim 42 depends from claim 10, and should therefore be in condition for allowance for the reasons set forth above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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